

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mark A. Reiley

Serial Number: 10/658,515

Filing Date: September 9, 2003

Title: FACET ARTHROPLASTY DEVICES  
AND METHODS

Group Art Unit: 3738

Examiner: David J. Isabella

**CONFIRMATION NO: 1785**

FILED ELECTRONICALLY ON: July 27, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicant hereby submits a Supplemental Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant further requests that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A.  37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;  
-- OR --
- (3) It is being filed before the mailing of a first Office action on the merits;  
-- OR --
- (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B.  37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- a statement as specified in §1.97(c) provided concurrently herewith;  
-- OR --
- a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C.  37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- i. a statement as specified in §1.97(e);  
-- AND --
- ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D.  37 CFR §1.97(e). Statement.

- A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);  
-- AND/OR --
- A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);  
-- AND/OR --
- A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E.  Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. § 1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F.  37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G.  37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H.  37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND

The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR § 1.98.

I.  *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-701.404).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 26 JUL 2006

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By:

  
Cecily Anne O'Regan, Reg. No. 37,448

**STATEMENTS UNDER 37 C.F.R. § 1.97(E)**

*(Attachment to Information Disclosure Statement)*

**37 CFR §1.97(e)(1). THE UNDERSIGNED HEREBY STATES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement:

All references cited herein;

– OR –

The following subset of references: \_\_\_\_\_

–AND/OR–

**37 CFR §1.97(e)(2). THE UNDERSIGNED HEREBY STATES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement:

All references cited herein;

– OR –

The following subset of references: \_\_\_\_\_

Respectfully submitted,

Dated: 26 July 2006 By:

  
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>Complete if Known</b>			
Substitute for form 1449/PTO		Application Number	10/658,515
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Filing Date	September 9, 2003
		First Named Inventor	Mark A. Reiley
		Art Unit	3738
		Examiner Name	David J. Isabella
Sheet	1	Of	1
Attorney Docket Number 29914-701.404			

## U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	145.	US 2004/0049272 A1	03-11-2004	Relley
	146.	US 2003/004572 A1	01-02-2003	Goble et al.

Examiner Signature		Date Considered	
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"EXAMINER. Initial if reference is made, whether or not citation is in conformance with MPEP (909). Denote line through citation if not in conformance and not considered. Include copy of document with this communication as applicable. Applicant's unique citation designation number (optional). See Knobs Guide of USPTO Patent Documenters at [www.uspto.gov](http://www.uspto.gov) or MPEP (909). Denote line through citation if not in conformance and not considered. Use International Standardized Patent Number (WIPO Standard ST 30). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appraiser symbol is indicated on the document: *U* (Utility Model), *D* (Design), *P* (Patent). Kind of document by the appraiser symbol is indicated on the document: *U* (Utility Model), *D* (Design), *P* (Patent). Appraiser is to place a check mark here if English language translation is attached. The number of pages of information is reported by 37 CFR 1.70 and 1.98. The information is required to obtain or receive a benefit by the public, which is to be used by the USPTO to process an application. Copy and attach to the communication the individual files. The communication of this year does not require to complete this form and any suggestion for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEEDBACK OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**